

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-006-0002

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff New Mexico *ex rel.* State Engineer (“State”) and moves the Court to enter its order granting default judgment pursuant to Fed. R. Civ. P. 55(b)(2) against the following defendant:

JOSEPH G. ORTEGA

Subfile No. CHRO-006-0002

and as grounds therefor Plaintiff states:

1. The Court has jurisdiction over Defendant JOSEPH G. ORTEGA as shown by the filed *Notice of Filing Proof of Service for Defendants in Rio Del Oso & Rito Vallecitos of Section 1 of the Rio Chama Stream System* dated August 15, 2016, (Doc. No. 11132 and 11132-2).

2. JOSEPH G. ORTEGA is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Entry of Default* filed on December 20, 2019, (Doc. No. 11576).

3. The State has met with Mr. Ortega to investigate and discuss the water rights under this subfile number, but as noted above, Mr. Ortega has not appeared, answered, or otherwise defended in this cause.

4. In accordance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended, the right(s) of JOSEPH G. ORTEGA to divert and use the public waters of Section 1 of the Rio Chama Stream System, Rio del Oso & Rio Vallecito, should be as set forth below:

JOSEPH G. ORTEGA
Subfile No. CHRO-006-0002

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No: NONE

Priority: 1882

Source of Water: Surface water of the Rio del Oso, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ORTEGA DITCH NO. 1

Location X: 1,628,022 feet **Location Y:** 1,834,622 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant 20.3 acres

Total 20.3 acres

As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-006-0002

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: 1882

Source of Water: Surface water of the Rio del Oso, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch ORTEGA DITCH NO. 2

Location X: 1,630,403 feet Location Y: 1,836,550 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant 1.1 acres

Total 1.1 acres

As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-006-0002

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against Defendant JOSEPH G. ORTEGA incorporating the terms of the State's proposed consent order in Subfile No. CHRO-006-0002 and in conformance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended.

DATED: August 9, 2022

Respectfully submitted,

/s/ Edward C. Bagley
EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
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CERTIFICATE OF SERVICE

I certify that on August 9, 2022, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

Additionally, I have caused to be mailed a copy of this motion to Defendant Joseph G. Ortega at the following address:

Joseph G. Ortega
P.O. Box 74
Hernandez, NM 87537

/s/ Edward C. Bagley
Edward C. Bagley